NUMB. 387

The Daily Gazetteer.

WEDNESDAY, SEPTEMBER 22 1736.

9l. 387.

I CAN hardly believe those Gentlemen are in Earnest, who declaim with so much Violence against the Continuance of the Riot Act, and the late Statute against the unlawful Importation of Goods, as if there was any likelihood of perverting those Acts to any other Uses, than those for which they were originally intended, the Preservation of the publick Tranquility, and the Security of the national Treasure.

No Law indeed can be devised, which may not possibly in some extraordinary Conjuncture affect an innocent Man; but if the bare Possibility of an Abuse, is to be allowed as a reasonable Objection against the making of penal Laws, we must then have no penal Laws whatsoever.

THE Objection against the Riot Act is, that the Penalty against Persons unlawfully assembled together, may be inflicted upon those, who are met upon their lawful Business, or upon some other innocent Design.

AND the Objectors would insinuate, that it is with this View, that the Legislature and the Administration continue this Act in Force.

AND consequently, they suppose, that the Riot Act gives a Power to the Government to oppress and destroy whomsoever they please, as Rioters.

Now the Question to be considered is, whether a wicked and tyrannical Administration, would be enabled by this Statute, to exercise any extraordinary Acts of Power?

I apprehend, they would receive no real Strength whatsoever from this Act, because it would be as easy to oppress, imprison and destroy the Subject contrary to Law, as by Virtue of, and under the Pretence of a Law, made with a very different View.

FOR the Liberty of the Subject, can never be affected by this Act, unless the Judges at *Westminster-Hall*, should be corrupted to put a false Construction upon it.

AND Judges, who would be guilty of so flagrant a Misrepresentation of a particular Statute against Rioters, would do the same Thing, if there was no Statute at all.

FOR Riots, are punishable by the common Laws of the Land.

AND therefore, wicked and mercenary Judges, with the Assistance of corrupt Juries, may construe lawful Assemblies to be Riots, or treasonable Meetings, if they please; for who can controul the Courts of *Westminster-Hall*, but the Parliament.

AND while we have a Parliament, we may depend upon it, they will never suffer their Authority to be abused in such an unheard-of Manner.

BUT if Parliaments should be laid aside, an arbitrary Prince will find Judges ready to mould the Law to his Pleasure.

ARBITRARY Princes act in open Defiance of the Law, they want not the Aid of Statutes, and Acts of Parliament, which are only of Use to strengthen a legal Government; a despotick Government, stands not in need of such cobweb Artifices.

THERE was no Riot Act in the Reign of *Charles* 2d, nor did King *Charles* want a Riot Act after he had done with Parliaments: His Judges would make any thing to be a Riot or High Treason, which he desired; and accordingly *Pilkinton* and the Sheriffs of *London*, were convicted of a Riot, for continuing the Poll for Sheriffs at *Guildhall*, after the Lord Mayor had adjourned the Court, together with Alderman *Cornish*, *Slingsby*, *Bethell*, *Thomas Player*, and other Citizens of the first Rank, and fined several Thousand Pounds, though they were guilty of no Riot, and had committed no Disorder whatsoever.

BUT the Court having determined the Right of Government to be in the Lord Mayor, and not in the Sheriffs, prosecuted them for a Riot for going on with the Poll:

WHEREAS admitting the Sheriffs had no Right to continue the Poll, all the Conclusion which could be drawn from thence was, that the Poll taken by the Sheriffs was null and void.

AND if the Ministers of *Charles* the Second had been so minded, they might have indicted them for High Treason; and a *Saunders* or a *Jefferies* would have obliged the Jury to find them guilty; and if another *Charles*, or another *James* should arise, they will easily find another *Jefferies*.

IT is now 20 Years since this Statute was made, and nobody has been prosecuted upon it but real and undoubted Rioters.

IT was made to put a Stop to those Violences which disturbed the Peace of the Kingdom. People could not be safe in their own Houses before: But the Execution of a few Offenders struck a Terror into the Rest, and ever since we have enjoyed a profound Tranquility, till lately an Attempt was made to feel the Pulse of the Mob, and see what might be rely'd on, when a proper Opportunity should offer.

IS it not much better to quell an Insurrection, by reading an Act of Parliament, than by a military Execution?

THIS cannot be look'd upon as a rigorous Law, because it has a Tendency rather to preserve than destroy.

BUT if the Objections against the Riot Act are thus frivolous and groundless, those alledged against the Statute to prevent the unlawful Importation of Goods, are ridiculous and whimsical in the highest Degre.

THE Statute enacts, That upon Information before a Justice of Peace, that 3 or more Persons are armed with Fire Arms, *&c.* with intent to run Goods, such Justice may commit them to the next County Gaol.

THEREFORE says the *Craftsman*, * 'Noblemen 'and Gentlemen, who travel near the Sea Coast with 'two or three Servants armed, are liable to be taken 'up as Smugglers.'

BUT this can never happen, unless somebody makes an Information upon Oath against them.

AND a Rogue who will perjure himself out of Malice to another Person, may swear Treason or any other kind of Felony as the Law now stands.

GENTLEMEN may therefore with equal Reason, object against the Power vested in Justices of the Peace to commit Persons to Gaol, upon Suspicion of other Kinds of Felonies, as upon Suspicion of Smugling.

IT may be suggested, that if a Justice of Peace hath a Pique against some poor Neighbour, he may commit him upon Suspicion of robbing upon the Highway: But when hath such a thing ever happened?

BESIDES, by this Statute, the Party may be bailed above, and if the Commitment should appear to be vexatious and scandalous, the Party aggrieved is as much entituled to an Action against a Justice of the Peace for a false Imprisonment, under colour of this Act, as he is for a false Imprisonment in any other Case.

WHY should he not? Is there any Clause in the Statute which deprives the Subject of a Remedy, in case he is falsely imprisoned? None that I know of. And as for the Government and Administration, I suppose nobody imagines that they design to prosecute all the Patriots, who reside near the Sea Coast, under the Notion of Smuglers. That would be a terrible thing indeed.

BUT supposing such a Case should happen, that a Justice of the Peace should commit an innocent Man, and what is very unlikely, that an innocent Man should suffer the Rigour of the Law, it is supposing no more, than what has actually happened in other kinds of Felony, yet that has never been alledged against the Laws themselves; and the rather, for that such accidental Sufferers, have always been Men of very ill Characters, and consequently no great Loss to the Community.

NOW the Practice of Smuging, is as great an Evil as any other kind of Felony relative to civil Property, it being the same thing whether a Man is robbed in his own Person of 20 s. upon the Highway; or whether the King and the Nation are robbed of their Revenue; to supply which, he is obliged to make good the Deficiency.

AND the Sums whereof the Kingdom hath been defrauded by Smuglers are immensely great, it appearing by the Report of the Committee of the House of Commons appointed to enquire into the Frauds in the Customs; That from Christmas 1723, to Christmas 1733, no less than 251,320 lb. Weight of Tea, and 652,924 Gallons of Brandy, and 229 Boats and other Vessels, have been seized and condemned.

Lincoln's-Inn. WM. PRYNN.

* *See* Craftsman, *Sept.* 11.

Hague, Sept. 17. *N. S.*

LETTERS which came in to Day from Italy advise, that the Evacuation of Lombardy is executing, but that of Tuscany is still delayed. Prince William of Hesse Cassel's Departure is put off, on account of the coming hither of his Nephew the Prince of Orange. On the 23d the Lady Southwell arrived here, in order to attend the Princess Royal.

LONDON.

We hear that the Lord John Sackville, second Son to his Grace the Duke of Dorset, is appointed Equerry to her Majesty, in the Room of the Hon. Thomas Hervey, Esq; who has resign'd.

The Right Hon. the Earl of Leicester is very ill of the Gout, at his Seat at Penshurst in Kent.

Last Sunday Lieutenant George Chivins kiss'd her Majesty's Hand at Kensington, on his being appointed Captain of a Company in the Regiment of Foot commanded by the Hon. Col. Ponsonby.

Yesterday being St. Matthew's Day, the Right Hon. the Lord Mayor, and the Governors of Christ's Hospital, met in the great Hall of the said Hospital, from whence they proceded to Christ Church, and heard a Sermon preach'd by the Rev. Dr. Trapp, after which they went to the Grammar School, and heard an Oration in Latin by Peter Richardson, and one in English by James Smith, the two Head Scholars (in Praise of their Benefactors) after which they returned to the Hall, where an elegant Dinner was provided for them according to Custom.

On Sunday last died at his House at Barnet, Joseph Montgomery, Esq; a Gentleman possessed of a plentiful Estate in the County of Wilts.

Last Week died William Groves, of Wadhurst in the County of Sussex, Esq; a Gentleman possessed of a very plentiful Estate.

Last Monday Morning Mr. Hatt, a Farmer, and Mr. Webb. a Mason, coming from Maidenhead to London, were attack'd by a single Highwayman on Hounslow Heath; but Mr. Hat making some Resistance, the Highwayman pulled off his Hat, and gave a Signal to another of his Accomplices, who immediately joined him, when they dismounted them, and took from them about 24 l. and made off.

Yesterday was held a Board of Admiralty, when their Lordships were pleased to appoint Mr. Charles Frazier, Gunner of the Ipswich, to be Gunner of the Princess Caroline.

Also to appoint Mr. Herrindon, Gunner of the Nassau, to be Gunner of the Ipswich.

Likewise to appoint Mr. Scoother, to be Gunner of the Biddiford.

Their Lordships were likewise pleased to appoint Mr. Nese, Carpenter of Deptford, to be Carpenter of the Kent.

Also to appoint Mr. Wood of the Experiment, to be Carpenter of the Hector.

And Mr. Goodwin succeeds Mr. Wood, as Carpenter of the Experiment.

And they were sworn in, and received their Warrants accordingly.

The Right Honourable Sir Charles Wager, continues in an ill State of Health.

Last Monday Morning died of a Consumption at Brampton in Middlesex, Mrs. Hoare, Wife of Richard Hoare, Esq; Grandson to Sir Richard Hoare, Kt. formerly Lord Mayor of London, and Brother to Henry Hoare, Esq; Member of Parliament for New Sarum. She was the Daughter of —— Tully, Esq; late of Charter-house Square, and has left only one Son about a Year and half old.

Yesterday at the Horse Races at Tothill-fields, 5 Horses started for the 5 l. Plate, and the same was won by Mr. Jones's Bay Horse.

On

On Friday next the Lords Commiſſioners of the Admiralty, will view the ſuperannuated Seamen worn out in the Service of the Crown, in order to Minute them down for the Penſion of Greenwich Hoſpital.

Yeſterday the Juſtices of the Peace for the City and Liberty of Weſtminſter, met at Weſtminſter-Hall, when ſeveral Perſons who ſtood bound over, appeared on their Recognizances, ſome of whom were diſcharged, and others continued.

At the ſaid Seſſions, Edward Brown and Bengal Martiff, Eſqrs, took the Oaths to qualify themſelves for their reſpective Employments under the Government.

After which, the Court adjourned to Wedneſday the 6th of October.

On Friday next 31 Days Subſiſtance will be iſſued to his Majeſty's Forces, from the 24th of September, to the 24th of October, 1736.

On Monday laſt died in Newgate in the 82d Year of his Age, Major John Bernardi, who has been a State Priſoner near 40 Years for High Treaſon, in conſpiring the Murder and Aſſaſſination of his late Majeſty King William; he was deſcended from an ancient Family in Germany.

Saturday Bank Stock was 150 3-4ths. India 179 1-half. South Sea 99 1-half. Old Annuity 113 5-8ths. New ditto, 111 to 1-8th. Three per Cent. 105. Emperor's Loan 117. Royal-Aſſurance 110 1-half. London-Aſſurance 16. York Buildings 2. African 16. India Bonds 6 l. 14 s. to 16 s. Prem. Three per Cent. ditto, 6 l. 2 s. Premium. South Sea Bonds 5 l. 16 s. Premium. New Bank Circulation 17 s. 6 d. Premium. Salt Tallies 5 3 4ths to 5 3-4ths Premium. Engliſh Copper 2 l. 8 s. Welch ditto, no Price. Three 1-half per Cent. Exchequer Orders 6 1-half per Cent. Prem. Three per Cent. ditto 2 1-half per Cent. Premium. Million Bank 117.

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